

# Union Members

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## The Labor-Management Reporting and Disclosure Act of 1959 (LMRDA), as amended (29 USC §401 *et seq.*; 29 CFR Parts 401-453)

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### Who is Covered

The Labor-Management Reporting and Disclosure Act of 1959 (LMRDA), as amended, directly affects millions of people throughout the United States. The LMRDA covers unions, officers and employees of unions, union members, employees who work under collective bargaining agreements (even if they are not union members), employers, labor relations consultants, surety companies, trusts in which a union is interested, and other “persons” as defined in the LMRDA who may be covered by particular provisions of the Act.

LMRDA also covers unions representing U.S. Postal Service employees by virtue of the Postal Reorganization Act of 1970. Section 7120 of the Civil Service Reform Act, and its implementing regulations, apply many LMRDA standards to unions representing employees in most agencies of the executive branch of the federal government. LMRDA does not cover unions composed solely of state and local government employees.

### Basic Provisions/Requirements

The LMRDA consists of seven titles:

- **Title I**, the “Bill of Rights,” sets forth certain basic rights that Congress believed federal law should guarantee to union members. Members may enforce these rights through private suit in federal district court. Section 104 of the LMRDA, which establishes the right to receive or examine collective bargaining agreements, applies not only to union members but also to all nonunion employees whose rights are directly affected by a collective bargaining agreement.


The Secretary of Labor also has enforcement responsibilities with regard to Section 104. The Office of Labor-Management Standards (OLMS) of the Employment Standards Administration handles these responsibilities.

- **Title II** requires unions to file an information report (Form LM-1), copies of their constitution and bylaws, and annual financial reports (Form LM-2, LM-3, or LM-4) with OLMS. The reports and documents filed with OLMS are public information, and any person may examine them or obtain copies at OLMS offices.

Officers and employees of unions must file a Form LM-30 with OLMS if they have any loans or benefits from, or certain financial interests in, employers whose employees their union represents and businesses that deal with their union.

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Labor relations consultants who enter into an agreement with an employer to persuade employees about their union activities, or to supply certain information to the employer, must file a Form LM-20, Agreement and Activities Report, and a Form LM-21, Receipts and Disbursements Report.

Employers who enter into such an agreement or engage in certain specified financial dealings with their employees, unions, union officers, or labor relations consultants must file a Form LM-10.

Finally, surety companies that issue bonds required by the LMRDA or the Employee Retirement Income Security Act of 1974 (ERISA) must file a Form S-1 to report data such as premiums received, total claims paid, and amounts recovered. The Secretary of Labor has authority to enforce the reporting requirements of the Act.

- **Title III** concerns the imposition of trusteeships over subordinate unions. A parent union may impose a trusteeship only for a purpose specified in the LMRDA, and it must establish and administer the trusteeship in accordance with its own constitution and bylaws. A parent union that places a subordinate union in trusteeship must file initial, semiannual, and terminal trusteeship reports (Forms LM-15, LM-15A, and LM-16).

Under the LMRDA, the parent union may not engage in certain specified acts involving the funds and delegate votes from a union under trusteeship. The Secretary of Labor has the authority to investigate and enforce alleged violations of Title III, and a union member or subordinate union may also enforce the provisions of this title, except for the reporting requirements, through private suit in federal district court.

- **Title IV** establishes standards for elections of union officers. Local unions must elect their officers by secret ballot; national and international unions and intermediate bodies must elect their officers either by secret ballot of the members or by delegates chosen by secret ballot. Title IV requires elections to be held by national and international unions at least every five years, intermediate bodies at least every four years, and local unions at least every three years.

Unions and employers may not use their funds to promote the candidacy of any candidate, although union funds may be used to conduct an election. A union member in good standing has the right to nominate candidates, be a candidate subject to reasonable qualifications uniformly imposed, hold office, and support and vote for the candidates of the member's choice. Unions must mail a notice of election to every member at the member's last-known home address at least 15 days before the election.

A union member who has exhausted internal election remedies, or invoked such remedies without obtaining a final decision within three calendar months, may file a complaint with the Secretary within one calendar month thereafter, alleging a violation of Title IV of the LMRDA. The Secretary of Labor has authority to file suit in a federal district court to set aside an invalid union election and to request a new election under the supervision of the Secretary.

- **Title V** provides a number of safeguards for unions. Union officers have a duty to manage the funds and property of the union solely for the benefit of the union in accordance with its constitution and bylaws. A union may not have outstanding loans to any one officer or employee that exceed \$2,000. Union

officials who handle union funds or property must be bonded to provide protection against losses.

A union officer or employee who embezzles or otherwise misappropriates union funds or other assets commits a federal crime punishable by a fine and/or imprisonment. Persons convicted of certain crimes, including a violation of Title II or III of the LMRDA, may not hold union office or employment for up to 13 years after conviction or the end of imprisonment.

- **Title VI** includes the authority to investigate (see “Penalties/Sanctions” below); a prohibition on a union fining, suspending, expelling, or otherwise disciplining members for exercising their rights under the LMRDA; and a prohibition on the use or threat of force or violence to interfere with a union member in the exercise of LMRDA rights.
- **Title VII** amends the Labor Management Relations Act (LMRA), otherwise known as the Taft–Hartley Act, concerning strikes, boycotts, and picketing. The National Labor Relations Board (NLRB) ([www.nlr.gov](http://www.nlr.gov)), an independent federal agency, administers the LMRA.

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## Employee Rights

Title I of the LMRDA guarantees certain rights to all union members. These include the right to nominate candidates, to vote in elections or referendums, to attend membership meetings and to participate in the deliberations and vote upon the business of such meetings, subject to reasonable rules and regulations in the organization’s constitution and bylaws.

They also include the right to meet and assemble freely with other members, to express any views, arguments, or opinions, and to express views at meetings about candidates in an election of the labor organization or about any business properly before the meeting, subject to the organization’s established and reasonable rules pertaining to the conduct of meetings. Additional rights outlined in Title I address dues, initiation fees and assessments, protection of the right to sue, and safeguards against improper disciplinary action.

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## Compliance Assistance Available

Additional compliance assistance materials appear on the OLMS Home Page ([www.dol.gov/esa/olms\\_org.htm](http://www.dol.gov/esa/olms_org.htm)). OLMS field office staff members are available to answer questions about the LMRDA and to help individuals and organizations affected by the law.

The OLMS National Office Public Disclosure Room has copies of all reports and documents filed with OLMS, and OLMS field offices have copies of reports filed by organizations and individuals located within their jurisdictions. Copies of Form LM-1, LM-2, LM-3, and LM-4 reports filed by unions may be ordered on the OLMS Web site at [www.dol-esa.gov/order/](http://www.dol-esa.gov/order/).

In addition, all OLMS field offices ([www.dol.gov/esa/contacts/olms/lmskeyp.htm#field\\_offices](http://www.dol.gov/esa/contacts/olms/lmskeyp.htm#field_offices)) as well as the OLMS National office ([www.dol.gov/esa/contacts/olms/lmskeyp.htm](http://www.dol.gov/esa/contacts/olms/lmskeyp.htm)) have blank reporting forms and instructions as well as explanatory pamphlets about the law. For additional compliance assistance, contact the Department’s Toll-Free Help Line at 1–866–4–USA–DOL.



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## Penalties/Sanctions

The LMRDA authorizes the Secretary of Labor to investigate “in order to determine whether any person has violated or is about to violate” any provisions of the Act (except the Bill of Rights of Union Members and amendments made by the LMRDA to other laws), and to “enter such places and inspect such records and accounts and question such persons” as may be necessary to determine whether a violation has occurred. The Secretary may issue subpoenas to compel testimony or to obtain records and other materials needed to complete an investigation.

The Secretary may file civil actions in federal district court to restrain or correct violations and to bring about compliance with the LMRDA. The embezzlement of union funds is subject to a fine of up to \$250,000 and/or imprisonment up to five years. Criminal penalties also apply to other Title V provisions as well as to certain reporting violations under Titles II and III.

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## Relation to State, Local, and Other Federal Laws

Federal laws related to the LMRDA include the National Labor Relations Act of 1935; the Taft–Hartley Act of 1947; the Racketeer-Influenced and Corrupt Organizations (RICO) Act; the Service Contract Act; and the Civil Service Reform Act of 1978.